

APPEAL NO. 021401
FILED JULY 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 8, 2002. The hearing officer determined that the claimant was not entitled to supplemental income benefits (SIBs) for the 16th quarter. The appellant (claimant herein) filed a request for review, and the respondent (self-insured) filed a reply.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 16th quarter. Section 408.142 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). Eligibility criteria for SIBs entitlement are set out in Rule 130.102(b), which provides that an injured employee who has an impairment rating of 15% or greater and who has not commuted any impairment income benefits is eligible to receive SIBs if, during the qualifying period, the employee: (1) has earned less than 80% of the employee's average weekly wage as a direct result of the impairment from the compensable injury; and (2) has made a good faith effort to obtain employment commensurate with the employee's ability to work. The hearing officer found that the claimant met the direct result requirement. The hearing officer was persuaded by the evidence that supports the carrier's contention that the claimant "merely made up names of people in order to make it look like he actually contacted these companies for possible employment." The evidence sufficiently supports the hearing officer's determination that the claimant did not attempt in good faith to obtain employment commensurate with his ability to work. We are satisfied that the challenged determinations of the hearing officer are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **a self-insured governmental entity**) and the name and address of its registered agent for service of process is

**RC
(ADDRESS)
(CITY) TEXAS (ZIP CODE).**

Gary L. Kilgore
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge